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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,306	04/16/2002	Francis Showering	NOVAP100US	8228

7590 05/18/2007
Himanshu S Amin
Amin & Turocy
National City Center 24th Floor
1900 East 9th Street
Cleveland, OH 44114

EXAMINER

SMALLEY, JAMES N

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10/009,306

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20070514

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Commissioner for Patents

Notice of improper RCE under 37 CFR 1.114 with ONE MONTH time period for reply.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination (RCE) under 37 CFR 1.114 was filed in this application on 26 February 2007 after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. The request, however, lacks the submission required by 37 CFR 1.114(d), which notes a Reply Brief is not considered a proper reply. Accordingly, the RCE is improper and any time period running was not tolled by the filing of the improper request.

Applicant's RCE Transmittal form requests the consideration of remarks filed in the Reply Brief dated 17 November 2005. The Board clearly considered the remarks contained therein, as noted on page 4, last column, of the Decision rendered 26 January 2007. Applicant has ONE MONTH from the mailing date of this letter to file a proper reply.

Conclusion

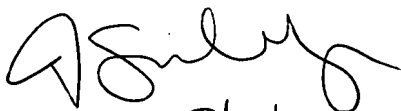
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N. Smalley whose telephone number is (571) 272-4547. The examiner can normally be reached on Monday - Friday 10 am - 7 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3781

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jns


5/14/2007


ANTHONY D. STASHICK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700